

Tippecanoe County Drainage Board
Minutes
September 7, 2005
Regular Meeting

Those present were:

Tippecanoe County Drainage Board President Ruth Shedd, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, Drainage Board Secretary Brenda Garrison and GIS Technician Shelli Muller. Vice President John Knochel was absent.

Approval of Minutes

KD Benson made the motion to approve the August 2, 2005 Regular Drainage Board minutes. Ruth Shedd seconded the motion. The August 2, 2005 Regular Drainage Board minutes were approved as written.

US 52 South Industrial Subdivision Phase 2 Section 1/ Maintenance Bond #104510577

The Surveyor recommended approval of Maintenance Bond #104510577 dated August 25th, 2005, through St. Paul Insurance Company, from Milestone Contractors LP for US 52 South Industrial Subdivision. KD Benson made a motion to accept Maintenance Bond #104510577 as presented by the Surveyor. Ruth Shedd seconded the motion. The Drainage Board approved Maintenance Bond #104510577 dated August 25th, 2005 through St. Paul Insurance Company from Milestone Contractors LP regarding the US 52 South Industrial Subdivision.

Wal-Mart / CR. 350S and Concord Road

Dan Keuster with Woolpert Inc. appeared before the Board to request final approval for Wal-Mart SuperCenter. The project located at the southwest corner of C.R. 350S and Concord Road (C.R. 250E) within a forty-acre site. Branch #5 of the Kirkpatrick Regulated Drain at the northeast corner of the property would be relocated and tied into the storm system. The runoff from the site would be discharged to the main tile of the J. N. Kirkpatrick Regulated Drain located south of the project. The Surveyor stated the proposed relocation of said Branch #5 would have to be approved by the Board. A legal description with a drawing should be recorded and a copy provided to the Surveyor's office. He noted since the parking lot facility was within the easement and over top of the proposed relocated drain, an Encroachment Petition was in order. In lieu of the petition, a legal agreement of maintenance responsibility for the portion of the Branch under the parking lot could be submitted. The Attorney stated an Encroachment Petition or an added condition of the said agreement would suffice. The Surveyor recommended the Relocation of Branch #5 meets and bounds is shown on the recorded document as well as the maintenance agreement verbiage for the J.N. Kirkpatrick Branch #5 Relocation. KD Benson made a motion to approve the Relocation of Branch #5 of the J.N. Kirkpatrick Regulated Drain as shown on the construction plans. Ruth Shedd seconded the motion. Relocation of Branch #5 of the J.N. Kirkpatrick Regulated Drain as shown on the construction plans was approved. The Surveyor then recommended final approval with conditions as stated on the September 1, 2005 Burke memo and an added condition of the said recorded document indicate the meets and bounds of the relocated branch along with a maintenance agreement - verbiage satisfactory with the Board Attorney - for the said relocated tile branch and with a recorded copy supplied to the Surveyor Office. KD Benson made a motion to grant final approval for Wal-Mart with the conditions stated on the September 1, 2005 Burke memo along with the added conditions of a recorded document indicating the tile relocation's meets and bounds with a maintenance agreement- verbiage satisfactory with the Board Attorney. Ruth Shedd seconded the motion. Wal-Mart was granted final approval with the conditions as stated. The Surveyor stated, as the tile would be tied into the new storm sewer, this was a different situation than the last Encroachment Petition before the Board. He then stated the along the east side of Promenade Parkway with Stone's Crossing Commercial, this same tile branch was intercepted and routed to the J.N. Kirkpatrick main tile. As it has now been intercepted upstream, he felt it was possible to vacate some of the easement plotted adjacent to Promenade Parkway. He felt this would be in everyone's best interest and would have to be followed up by the developer.

Public Comment

Kevin Norris of 5583 Lux Blvd. Lafayette Indiana approached the Board. Mr. Norris resided on Lot 23 of Hickory Hills 3rd Subdivision Phase 1 Section 1. He informed the Board his lot as well as his neighbor's lot was holding water coming from the lots behind theirs. He stated the construction plans showed "concrete drainage" between the properties however the developer did not construct as indicated on the plans. He has had to replace his Pine trees three times. He said the back

corner of his yard resembled a bowl. He also stated he thought a neighbor had filled in part of a swale. The Surveyor asked if the neighbor was downstream. Mr. Norris stated the neighbor was actually upstream; the neighbor's lot sat higher and drained to the Norris lot. He had hauled in 6 tri-axle loads of topsoil to date. In response to Ruth Shedd's inquiry, Mr. Norris stated he had contacted Mr. Smith of Smith Enterprises –developer of the property. He had not met his responsibility to date. He had tried to speak with him several times. Mr. Smith would not discuss the problem. Mr. Norris expressed concern that the standing water would bust his footer this winter. The Surveyor stated his office had received the complaint and was in the process of investigating it. He stated this was the third complaint in the last two weeks concerning Hickory Hills AKA Eagles Nest. The Surveyor noted to the Board, in one of the first phases the profile of the road had been changed significantly. The Highway Dept. forced the redesign to meet the Highway standards and Drainage Ordinance. He stated after the investigation was completed if it was found that the developer did not construct the drainage as designed, he would be held responsible. Mr. Norris then stated in front of his lot to the west there was six inches of standing water with mold in it. The Surveyor asked if Mr. Norris was aware of the cause of the standing water. He noted the water company was making a site visit to check on it. His water bills ran about \$285.00 a month. He asked the Board to assist him with this problem. The Surveyor informed Mr. Norris he would investigate this complaint himself. He directed the Secretary to check for acceptance of the development including bonding.

As there was no other public comment, KD Benson made a motion to adjourn. Ruth Shedd seconded the motion. The meeting was adjourned.

Ruth Shedd, President

Absent

John Knochel, Vice President

Brenda Garrison, Secretary

KD Benson, Member